

Mobile, Ala. Press
July 15, 1940

Bus Case Hearing Fixed for July 23

Cases of three colored women, charged with violating the city ordinance regarding the segregation of white and colored passengers on buses, were passed today by Recorder Norvelle R. Leigh, III, to July 23.

The defendants, listed on the court docket as Mary Williams, 1058 Persimmon Street; Bernice Robinson, 1160 Brussels Street, and America Nicholes, 661 South Cedar Street, were arrested Sunday night by Police Officers Sledge Medicus, Lawrence Shaw and Cecil McAuley on the complaint of an operator of a Cedar-Davis Avenue bus.

Meanwhile, V. K. Moore, operator of a Prichard bus, was arrested in Prichard on a charge of violating a city ordinance prohibiting the overloading of buses, and his case set for Wednesday. Moore was arrested Sunday by Chief of Police Gus Dixon.

Bishop Madison Assaulted

News despatches of the apparently unwarranted and brutal attack upon Bishop E. L. Madison by Montgomery police, following a purported justifiable complaint of inattention by a ticket agent at a bus station, after which the latter insulted the bishop, indicate fully that no one is immune from the insane prejudice and discrimination which ignorant and vicious people have for people of other races.

The inference that the ticket agent and the police would have been more courteous and respectful if they had known the party was Bishop Madison, only aggravates the situation. It is significant that Bishop Madison was at home, in his native city and state, but in the final analysis it should make no difference that he was the bishop and a man of national importance. The humble Negro citizen was and is entitled to courtesy and respect by the officials of public carriers and the police. Unless this is true, of course, the bishop, especially if not recognized, will not receive any different treatment, as was clearly indicated in this case.

The fact that the bus official and the police were apologetic when they discovered the identity of Bishop Madison, only

neightens the hypocrisy of some people who sing lustily "God Bless America," and then have not the decency or self-respect to accord Negro people ordinary respectful consideration.

A state or community that condones such disgraceful conduct by public officials and those in authority and permits the same to go unnoticed and unpunished are not only un-Christian, un-American, but cannot endure or deserve to be perpetuated.

The Madisons of Alabama, to which fine family Bishop Madison belongs, have done much to develop the well-being of Montgomery and the surrounding territory. The contribution of this family alone has been sufficient to guarantee better treatment for every Negro citizen.

There is deep satisfaction in the fact that the best white citizens of Montgomery do not condone the unprincipled conduct that was exhibited in this case, as is shown by a quotation from The Montgomery Advertiser, which appears in a clipping from The Southern Frontier in another column of this edition of the Star of Zion.

But there is also ample evidence that others believe "Police Brutality Common in Southern Cities," and that it should be curbed. We are heartily in favor of law enforcement and hold that nothing so enhances the safety of a community as a preponderance of law-abiding citizens. But it is also true that nothing encourages crime and lawlessness more than bulldozing and brutal police officials.

Moreover, it is passingly strange how officials of public carriers, who are the servants of the public and salesmen of the commodity, travel, frequently not only act in such a way as to drive business away from their employers, but seem to have the cooperation of the police in heaping insults upon would-be customers.

N.A.A.C.P. WINS VICTORY IN TRAVEL FIGHT

Line Tells Mobile, Ala. Branch Coaches Will Be Modernized

MOBILE, Ala. — Further success in the extensive fight against discriminatory travel conditions in the South, was announced this week by the Southern Conference of the N.A.A.C.P.

According to a statement made by J. L. LeFlore, chairman of the movement, continuous pressure brought to bear by the conference has resulted in the Seaboard Air Line agreeing to shop and thoroughly modernize coach equipment for colored passengers operating between Birmingham, Atlanta, and Washington. The cars will thereby be put on parity with coach accommodations now furnished for white passengers between the same points. Supplementary improvements by the Southern railway were also announced.

The reconditioned cars to be placed in service by the Seaboard, in addition to being air-conditioned, will provide latest type reclining seats, new design of lights, and other improvements not now available to colored travelers.

C. E. Bell, passenger traffic manager of the carrier, advised the N.A.A.C.P. from his Norfolk office that as soon as modernized "these cars will be placed in service eliminating the conditions of which you complain."

Mr. Bell further stated that train porters will assist colored passengers with hand luggage in making transfer at Hamlet, N. C., to alleviate conditions there about which the N.A.A.C.P. had also filed complaint.

Company Agrees to Rebuild Coaches to Put on Parity With Others

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The modernization program is expected to cost thousands of dollars. Mr. Bell further stated that train porters will assist colored passengers with hand luggage in making train transfer at Hamlet, N. C., to alleviate conditions there about which the N.A.A.C.P. had also filed complaint.

Street Car Runs Wild Down Hill; 16 Pupils Injured

Trolley Crashes Into House; Boy Is Blamed For Releasing Brake

An Owenton-Wylam street car heavily loaded with Negro students from Parker Industrial High School, Friday afternoon careened wildly down the curving tracks in Bush Hills and jumped the track at 1900 Twenty-Third Avenue, Shadyside, and brought injuries to 16 passengers and three occupants of the house it struck.

Bedlam prevailed on the trolley as it wound down the hill for three blocks before it left the tracks. Police reported several students jumped and rolled over and over from the car as it made its way down the hill.

The white persons injured were: MRS. U. H. YOUNGBLOOD, 1900 Twenty-Third Avenue, Shadyside. MRS. VERA GOOLSBY, 1900 Twenty-Third Avenue, Shadyside. BETTY JEAN YOUNGBLOOD, 7, of 1900 Twenty-Third Avenue, Shadyside.

The Negroes treated at St. Vincent's Hospital were:

HATTIE BANKS, 18, of 615 Thirtieth-Seventh Street, Wylam.

WILLIE LEE MOSELY, 16, of 2204 Fourteenth Avenue, Ensley.

JAMES HARRIS, 17, of 2320 Fourteenth Avenue, Ensley.

IRENE HARRIS, 14, of 2320 Fourteenth Avenue, Ensley.

LOIS FLOYD, 13, of 1722 Twentieth Place, Ensley.

KATTIE BALDWIN, of 2215 Avenue M, Ensley.

ROBERT DENNIS, 16, of 2222 Avenue L, Ensley.

LOUISE LOVE, 16, of 1504 Twentieth Street, Ensley.

LUCILLE ROGERS, 14, of 1839 Twenty-Second Street, Ensley.

VIRGINIA BOLDEN, 14, of 1132 Twenty-Second Street, Ensley.

JAMES HOLMES, 18, of 1835 Nineteenth Street, Ensley.

DOROTHY SCHURLARK, 13, of 1625 Twenty-Third Street, Ensley.

LILLIE MAE GRANT, 13, of 2337 Fifteenth Avenue, Ensley.

BARBARA JEAN HARRIS, 13, of 1515 Eighteenth Street, Ensley.

WILLIAM CHAPPLE, 14, of 2317 Avenue L, Ensley.

ANNIE BELL PIPPINS, 14, of

Burgess Court, Ensley.

Private physicians cared for the three white people injured and their condition was not believed serious. They suffered more from shock than from injuries.

The street car's motorman, H. T. Mooney, told police he had gone into a house three blocks up the track from the scene to notify his company of a bent trolley caused when the trolley jumped the wire. He said he chanced to look out and saw his street car and cargo rolling rapidly down the side of the steep hill.

Gaining speed all the way, the car careened wildly and finally jumped the tracks at a curve in front of 1900 Twenty-Third Avenue. The car skewed around and struck Mrs. Youngblood's house and caved in the bedroom where she and Mrs. Goolsby and the child were.

H. T. Duncan, operator of a coal yard across the street, acted quickly and rushed into the debris, pulling the three shocked people out safely. The Negroes milled wildly in the car until help arrived.

Electric officials said they were investigating the theory that one of the student passengers released the handbrake on the car, causing it to roll down the hill. No arrests had been made Saturday morning.

The car after it left the track plunged approximately 100 feet before it came to rest against the side of the house. Having turned around sideways, the car blocked traffic until wrecking crews managed to clear the way.

The three occupants of the house were showered with glass and debris. A one-inch gas main in the house was broken by the impact and gas filled the house.

The street car was a special run every day from the Negro school to various spots in Ensley.

Capt. H. V. Early directed police work at the scene aided by Sergt. C. E. Griswold and Officers Carl Neill and Gordon Parsons.

NAACP Gets Promise Of Better Railway Facilities In Dixie

MOBILE, Ala.—Further success in the extensive fight against discriminatory travel conditions in the South was announced this week by the Southern Conference of the NAACP.

According to a statement made by J. L. LeFlore, chairman of the movement, continuous pressure brought to bear by the conference has resulted in the Seaboard Air Line agreeing to shop and thoroughly modernizing coach equipment for colored passengers operating between Birmingham, Atlanta and Washington. The cars will thereby be put on parity with coach accommodations now furnished for white passengers between the same points. Supplementary improvements by the Southern Railway were also announced. *Chairman LeFlore Aug. 30.*

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C. E. Bell, passenger traffic manager of the carrier, advised the NAACP from his Norfolk office that as soon as modernized, "these cars will be placed in service, eliminating the conditions of which you complain". The modernization program is expected to cost thousands of dollars. Mr. Bell further stated that train porters will assist colored passengers with hand luggage in making train transfer at Hamlet, N. C., to alleviate the condition there about which the NAACP had also filed complaint.

Mr. LeFlore also announced that the Southern Railway, acting upon suggestion made by the NAACP last month, will withdraw from service L and N coaches for colored used in the joint operation of coach equipment between New Orleans and Washington, and replace with Southern and A. and W. P. cars. L and N coaches for colored passengers between the two points do not have a dressing room for women and lounge-smoker for men, as provided in cars for white passengers. Southern and A. and W. P. accommodations will be equal for both races.

Bus Ticket Agent Causes Police To Try Magic On A Race Leader

7-13-40
By E. G. JACKSON

(Ala. Tribune Staff Writer)

MONTGOMERY, Ala.—(SNS)—

For more than a year and a half ago we had to call the great round Bus officials in question about the way the colored people had been treated during the holiday rush when some of the teachers were trying to get back to their work.

BISHOP MADE CENTER OF ATTRACTION

Saturday, July 6, 1940 Bishop Madison arrived at the Bus Terminal. Finding that there was a long line of colored people, he set his bags down and waited very patiently until his time came to walk up to the ticket window. Standing there for sometime, while the agent was waiting on some more white people to come in and see whether or not they wanted tickets, Bishop finally in a clear tone voice said: "We want tickets over here."

Then the ticket seller turned around to the bishop and said "Keep your shirt on old nigger." Then the gospel minister (a) only spoke and said, "I don't like your manner of approach." (b) No, you are just trying to start something around here."

CALL POLICE WHO MADE ATTACK ON MINISTER

The police rushed to the Bus Station seized Bishop Madison, striking him over the head and pushing him into their car. While sitting waiting on the laws to gather information concerning the charges to be preferred by the ticket seller at the bus terminal, Mr. McReynolds came up and asked the bishop if he wanted him to do something, he replied in a strong voice, "I just want my suit cases please, thank you." The police then began to question the bishop and found out that he was a race leader.

They notified the ticket seller and he tried to influence the bishop to come on and buy his ticket and continue his journey. At this point the police or the ticket

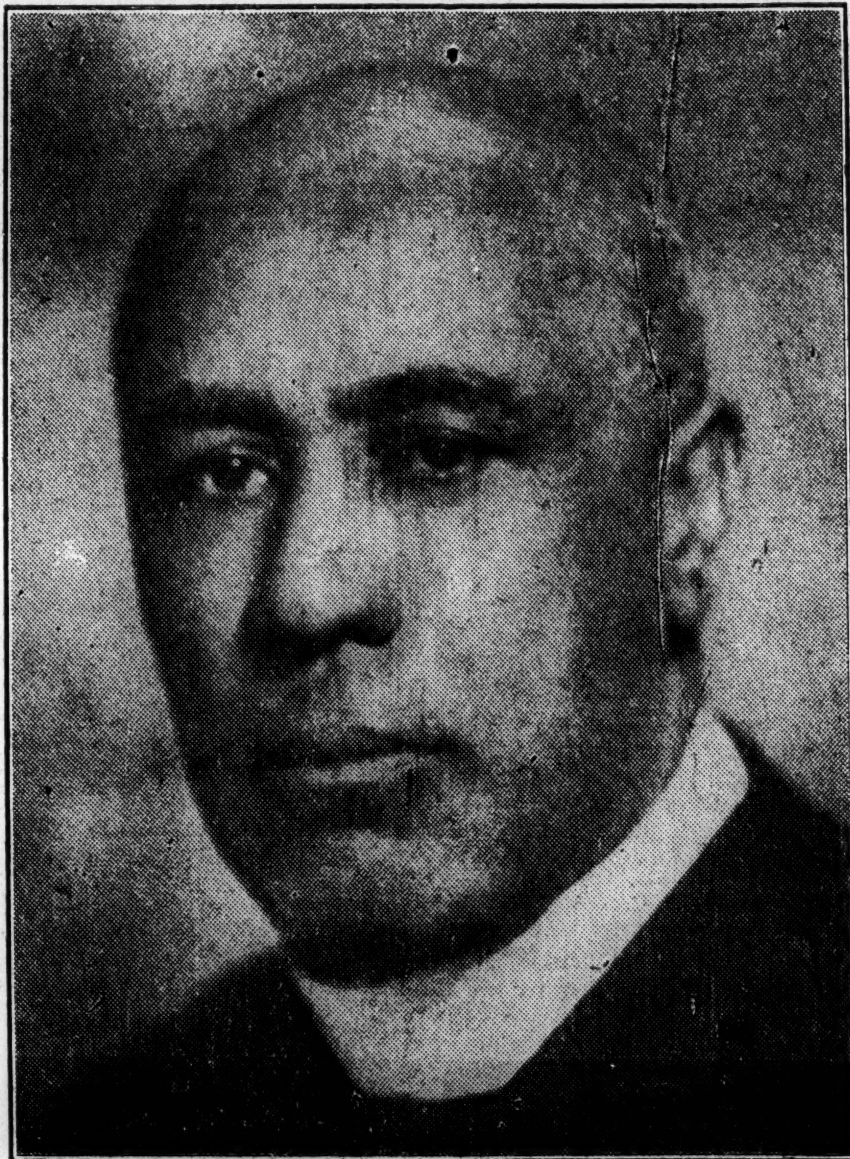
seller failed to bring any charges against the bishop and tried to apologize with him, but Bishop Madison knowing that he would be unfit for service, thought it better to remain in Montgomery and consult the doctor about the lick on his head administered by the police. The more they talked to him concerning continuing on his journey, the more he let them know that he was a law-abiding citizen, and if he had violated any law, he wanted to be punished for

it.

BISHOP E. L. MADISON

BORN IN MONTGOMERY

Bishop Madison together with the other Madison family own Madison Park and have been in Alabama practically all of his life, and he is known throughout the length and breadth of this country. He is now presiding Bishop over this diocese of the AME Zion Church and is loved by all of his ministers. This matter was immediately taken up by the NAACP Legal Staff.



Father Of John Henry Lewis Forced To Ride Freight Lift

Cremier 2-17-40 Pittsburgh Post-Gazette

LOS ANGELES, Feb. 15.—(ANP)—John E. Lewis, an Oakland taxpayer and veteran of the Spanish-American war, who has been in the boxing game for some forty years and is the father of John Henry Lewis, former world's light-heavyweight champion, was told to use the freight elevator when he appeared at the San Francisco offices of the State Athletic Commission, attempting to secure license for his son, Paul Lewis, who was embarking upon a fight career.

Upon arriving at the hotel, Lewis was stopped at the entrance and told that he could reach the commission office only by the freight elevator. Later Mr. Lewis called Don Shields, chief inspector for the State Athletic Commission, who told Mr. Lewis after learning of the incident, "I know and I am sorry but it is not my fault; I don't like it any more than you do, but . . ."

GIRD TO FIGHT D. C. JIM CROW CAB COMPANY

Defender
8-24-40
N.A.A.C.P. Seeks To
Enlist Support Of
Railroads In D.C.

WASHINGTON, D. C.—Action against the Diamond Cab company, which has a monopoly on the business of servicing travelers who enter the nation's capital through the union station here, and employs the Jim Crow tactics of refusing to carry Negro passengers except under protest, has been instituted by the local branch of the National Association for the Advancement of Colored People.

The N.A.A.C.P. last week addressed communications to all railroad companies operating train service into Washington, protesting that Race passengers are frequently refused when they attempt to get service from the Diamond Cabs here.

Replies received from the Washington Terminal company and the Pennsylvania Railroad expressed surprise at the situation, pointing out that the cabs are a public service enterprise and should not refuse any passengers who call upon them.

A complaint was also directed to the Diamond Cab company but to date no reply has been received.

LAUNCH FIGHT ON CAB BIAS

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Fighting Taxi Tactics In D. C. Union Station

Cab Company Refuses To Accept Colored Passengers

WASHINGTON, D. C. — Action against the Diamond Cab Company, which has a monopoly on the business of servicing travelers who enter the Nation's capital through the Union Station here, and employs the Jim Crow tactics of refusing to carry Negro passengers except under protest, has been instituted by the local branch of the National Association for the Advancement of Colored People.

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Dr. C. Herbert Marshall, Jr., president of the local N. A. A. C. P. branch, announced that persons experiencing difficulty in getting cab service at the station should make note of all the facts, including the number of the cab, the time of day and other circumstances, and turn this information over to the branch for action.

Couple Put Off Train in Yard Ask Pennsylvania R. R. for \$20,000

How much is it worth to be shunted off a railroad coach into a dark and dangerous train yard rather than on the regular platform provided for passengers?

David McIntosh and his wife, Mrs. Marie McIntosh, of 1000 Chestnut Street, Philadelphia, believe that such action and the subsequent injuries suffered by the latter, plus the medical expenses have a \$20,000 value.

Accordingly, they authorized Belford V. Lawson, Jr., attorney, to file suit for that amount, Tuesday, against the Pennsylvania Railroad Company and the Washington Terminal Company.

In Perilous Spot

The McIntoshes, the petition states, were traveling over the Pennsy Road on December 24, 1938, and on reaching Washington the coach they occupied was shifted into the train yards and they were carelessly and negligently put off.

The couple contend that with reasonable care and prudence the defendants should have foreseen that the passengers were in a position of peril and accidents were imminent.

As a result of the "darkness, dampness, and coldness" in the yards where they were put out, the petition avers that Mrs. McIntosh suffered injuries to her side and back, severe cold and exposure, as well as a recurrence of internal injuries from which she had recovered.

Jury Trial Demanded

The husband emphasizes that he has incurred and will further incur large medical expenses necessary for the care of his wife and that he has been deprived of her normal companionship.

Mr. McIntosh asks \$5,000 punitive damages, \$5,000 compensatory damages, with costs of court; Mrs. McIntosh asks the same.

According to Mr. Lawson, the couple demand a trial by jury so that all contested issues of fact may be cleared.

Federal Court Hears Mitchell Jim Crow Case

CHICAGO.—(ANP)— Appearing before three federal judges, sitting en banc in the United States Circuit Court here Monday, Congressman Arthur W. Mitchell made an effective plea for the abatement of the "Jim Crow" car evil on American railroads as he argued for the upsetting of the adverse Interstate Commerce decision handed down in March, 1939.

The case originated on a complaint by Mr. Mitchell when a conductor of the Rock Island R. R. Co., forced him from a Pullman car into a "Jim Crow" coach on a trip between Memphis, Tenn., and Hot Springs, Ark.

Backed by his counsel, Atty. Richard Westbrook of Chicago, who supplemented the congressman's opening statement, Mr. Mitchell told Judge Evan A. Evans, Michael Igoe and Charles Woodward, all three of whom were hearing the case, that he had not made his complaint because he was interested in riding with white people, but because he was an American citizen and entitled to equal accommodations under the law.

The court took the case under advisement and ordered the attorneys to file briefs.

Better Facilities Would Increase Negro Use of Railroads Officials Told

NEW YORK CITY.— The Federation of Negro College Clubs of Greater New York, acting on a suggestion made by H. A. Forlonge, president of the Shaw University Alumni Club, recently wrote a letter to the Southern Railroad Company, calling attention to the fact that the inferior accommodations accorded Negro travelers in the south were causing them to travel less and more by rail and more by car.

The federation suggested in the light of the plight in which railroads find themselves because of the inroads made by bus and auto transportation into the income of rail companies, the acute problem might be solved by providing for the benefit of Negro fares, equitable transportation facilities.

The letter pointed out the case history of a party of members of the federation who traveled south on the Southern Railroad enroute to Tuskegee for Founder's Day exercises recently. The party suffered constant indignities and insults throughout the trip, received glaringly unfair accommodations, and were made especially uncomfortable during the entire journey.

These people were charged the same fare for the trip. The federation urged the rail company officials to eliminate these evils in order to increase the use of the railroads by Negro travelers.

Mitchell Pleads Case Before Federal Court

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ASHAMED

"I have sat in the Congress of the United States for six years," Mr. Mitchell said. "I have watched and helped in the formation of laws which govern the economic and social behaviors of the citizens and corporations of this country," he continued.

"I know that when a black man comes to court, he must face the latent prejudices which exist in every white man and that he has two strikes upon him before he comes to

school, and the colored school opening filled by a Negro.

In discussing the appointment, Dr. Tinsley, who is also president of the Richmond branch of the NAACP, said that no announcement had been made as to whether a Negro principal would be appointed to the vacancy at Baker School created by the transfer of Miss Haynes.

The Citizens Committee is made up of representatives of Parent-Teacher Associations, fraternal organizations, and other groups.

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Baker School principal would be given the job at Baker School.

Superintendent Winford stated that the school board felt obligated to appoint Miss Haynes for two reasons: "First—We felt obligated to make Miss Haynes a school principal since she had been assistant principal for five years and the former superintendent had promised to make her a principal as soon as possible. That promise was made prior to the passage of the 1933 resolution. Second—The board further justified itself in the appointment of Miss Haynes on grounds of need economy. The School Board is unable to balance its budget and by switching the white worker from one position to another it could save \$2,500."

Two Negro teachers will be retired from the system this year Winford announced. They are Miss A. Elizabeth Williams, teacher at Moore School, who has been in service for 37 years and Miss Minnie Blackwell, teacher at Dunbar, who has served for 42 years.

The appointment caused considerable discussion in the light of a promise made seven years ago relative to city school principals. A letter written on March 28, 1933, by W. T. R. Morris, clerk and supervisor, it was stated that the board had adopted a plan whereby Negro principals would be employed in Negro schools whenever there was a vacancy. When a vacancy occurred in a white school, a white principal would be moved from a Negro school to the white

Federal Court Hears Cong. Mitchell's Charges Against Jim Crow Railroads

Jim Crow Rail Suit

Argued Court of Three Judges Takes Case Under Advisement

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HELPED MAKE LAWS

"I have sat in the Congress of

preservation."

Arguments were opened Monday before the court by a battery of eight lawyers representing the Rock Island and the other defendants, the Illinois Central R.R., the Pullman company and the United States attorneys representing the Interstate Commerce Commission.

Judge Evan A. Evans, famed federal jurist, in asking frequent questions, queried: "Why did the railroad sell Mr. Mitchell a first-class ticket if they could not provide the accommodations?"

Atty. General J. Stanley Bayne had contended that the railroad set aside drawing rooms for Negro passengers, but that Mitchell had been late in applying. Mitchell later showed he had asked for reservations two days previous to his trip.

Bayne also argued that the Interstate Commerce Commission had no authority to decide cases on the basis of the 14th and 15th amendments.

"The commission is empowered to protect the rights of American citizens, is it not?" asked Judge Evans.

Bayne also reported that a few months after Mitchell had exposed the filthy, dirty car in which Negroes were forced to ride, that the Rock Island put on a brand new Negro coach with many new facilities which he described in detail.

Attorney Westbrook summed up the legal points. Arguing for the Rock Island was Atty. Wallace Hughes who declared that a very delicate problem of interracial practice, a serious national question involving a quarter of the states, was in question.

Congressman Mitchell told friends after the hearing that he had borne every penny of the expense of the case thus far from his own pocket and that he was determined to carry it to the supreme court of the United States if he did not win at this week's hearing.

the United States for six years," late in applying. Mitchell later Mr. Mitchell said, "I have watched and helped in the formation of laws which govern the economic and social behaviors of the citizens and corporations of this country," he continued. "I know that when a black man comes to court, he must face the latent prejudices which exist in every white man and that he has two strikes upon him before he comes to bat. "In these troublous days, when democracy is being threatened throughout the world. I am ashamed for the great government which I represent, as I see an assistant attorney general of the United States, rise in this court to help fasten the chains of inequality and segregation around a fellow citizen, a member of a race which has been loyal to this country, which has performed its labor and shed its blood for its preservation," Mitchell said.

PUT IN COACH

Argument before the court by the batter, of eight lawyers representing the Rock Island and the other defendants, the Illinois Central R. R., the Pullman Co., and the United States attorneys representing the Interstate Commerce Commission, showed that Mr. Mitchell on April 20, 1937, had purchased a first class railroad ticket from Chicago to Hot Springs. He was sold a Pullman berth to Memphis but compelled to ride from Memphis, Tenn., to Hot Springs, Ark., in a coach which the railroad sets aside for colored passengers and which requires only second class fare. The Interstate Commerce Commission dismissed the complaint, claiming that the present (Jim Crow) coach met the requirements of the law. Mitchell appealed to the federal circuit court to set aside the commission's decision and the hearing Monday was for that purpose.

Judge Evan A. Evans, famed federal jurist, as well as Judge Michael Igoe, asked frequent questions.

JUDGE ASKS QUESTION

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Rock Island was Atty. Wallace Hughes who declared that a very delicate problem of interracial practice, a serious national question involving a quarter of the states was in question. The Pullman Co., was represented by Atty. Erwin W. Roemer who did not speak.

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Augusta Eagles Ask**Race Be Segregated**

Journal Guide
AUGUSTA, Ga., (ANP)—Resolutions advocating segregation of white and colored passengers on buses operating in Augusta were adopted by Augusta Aerie No. 1197, Fraternal Order of Eagles, at the order's last meeting. *Augusta, Ga.*
Not content with the existing practice of having Negroes seat themselves from the rear of the bus forward, the order condemned the present custom and asked operating companies to take immediate steps to segregate the races.

SEPARATE BUSES**SOUGHT BY WHITES**

DEC 21 1940
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JIM CROW CARS - 1940

HIGH COURT MAY RULE ON 'JIM CROW' CARS

Negro Congressman From Illinois Brings Fight
DEC 14 1940

WASHINGTON, Dec. 15.—(AP)—The Supreme Court may act on litigation involving the constitutionality of "Jim Crow" railway cars for negroes in the South.

Representative Arthur W. Mitchell (D., Ill.), the only negro member of Congress, has asked a review of a decision by the Northern Illinois Federal District Court which dismissed his attack on the practice of segregating negroes on trains, as applied to an interstate passenger.

Mitchell (D., Ill.) brought suit after he said he had been "forcibly ejected" from a Southern Pullman car in Arkansas and compelled to finish his journey from Chicago to Hot Springs in a "Jim Crow" car.

His petition asserted that he had bought a first class ticket in Chicago and should not have been compelled to go into "second class" accommodations provided for negroes.

Mitchell said the Fourteenth Amendment to the Constitution, guaranteeing "equal protection of the laws" was "designed to assure to the colored race the enjoyment of all the civil rights that under the law are enjoyed by white persons."

Supreme Court May Rule Today On Jim Crow Case

DEC 16 1940
By the Associated Press

The Supreme Court may act today on litigation involving the constitutionality of "Jim Crow" railway cars in the South.

Representative Arthur W. Mitchell (Democrat), of Illinois, the only Negro member of Congress, has asked a review of a decision by the Northern Illinois Federal District Court which dismissed his attack on the practice of segregating Negroes on trains, as applied to an interstate passenger.

Mitchell brought suit after he said he had been "forcibly ejected" from a Pullman car in Arkansas and compelled to finish his journey from

Chicago to Hot Springs in a "Jim Crow" car.

His petition asserted that he had bought a first-class ticket in Chicago and should not have been compelled to go into "second-class" accommodations.

Final decisions also may be delivered today on litigation involving regulation of the Nation's hydroelectric projects and on contempt of court convictions of the Los Angeles Times and of Harry Bridges, West Coast labor leader.

Arthur Mitchell

Asks \$50,000 For

Railroad Jimcrow

DEC 14 1940

WASHINGTON, D. C. —(ANP)—Representative Arthur W. Mitchell of Chicago, the only Negro member of the congress, asked the supreme court to uphold his claim for damages because three years ago he was forced to ride in a second-class railroad car, although he held a first-class ticket.

Traveling from Chicago to Hot Springs, Ark., on April 21, 1937, Mr. Mitchell was forced by a conductor to leave a Pullman car and go into another coach as the train entered the Arkansas border. He said he had bought two first-class tickets in order to occupy an entire Pullman space and that when he was ejected space was still left. The other car he described as "filthy."

He said that he had bought two first-class tickets in order to occupy an entire Pullman section and that when he was ejected, the space was still vacant. He described as "filthy" the car into which he moved.

Seeks \$50,000 Damages

The representative, who once was an office boy for Booker T. Washington, filed a damage suit for \$50,000 against the Pullman Company, the Illinois Central Railroad and the Rock Island Railroad, asserting that he had suffered humiliation and inconvenience.

The laws of some states provide that equal accommodations must be furnished to white and Negro races, Mitchell said. The Rock Island, he added, did not comply with this rule.

"I went back to Chicago in a jim crow car of another railroad which was equal in accommodations to that furnished white persons," he said, "so I am not aiming at all railroads, merely those who operate dirty, filthy equipment that my people are forced to ride in."

Mitchell Wants Jim Crow Cars to Be Made Equal

DEC 14 1940

WASHINGTON.

Congressman Arthur W. Mitchell (D., Ill.) who recently filed with the U. S. Supreme Court a brief asking that tribunal to sustain his claim of damages suffered three years ago when he was forced to ride in a second-class railroad car, made it plain that he is seeking to make railroad accommodations, where separate, equal to those provided for whites.

Congressman Mitchell, en route from Chicago to Hot Springs, Ark., in 1937, was forced by a conductor to leave his Pullman car and get into another coach as the train neared the Arkansas border.

He said that he had bought two first-class tickets in order to occupy an entire Pullman section and that when he was ejected, the space was still vacant. He described as "filthy" the car into which he moved.

Went Back in J. C. Car

"I went back to Chicago in a jim crow car of another railroad which was equal in accommodations to those furnished whites," Mr. Mitchell said, "so I am not aiming at all railroads, merely those that operate dirty, filthy equipment that my people are forced to ride in."

Sued for \$50,000

Congressman Mitchell has filed a suit for \$50,000 against the Pullman Company, the Illinois Central and Rock Island railroads for the "humiliation and inconvenience" which he suffered. He argued that the separate car law of Arkansas cannot be applied to interstate trains.

The congressman appealed to the Supreme Court from the Federal District Court of Northern Illinois. He previously had sought and been denied, an order from the Interstate Commerce Com-

ILLINOIS

HIGH COURT WILL HEAR MITCHELL JIM CROW PLEA

WASHINGTON, D. C., Dec. 16 (AP).—The Supreme court today agreed to review a challenge by Representative Arthur W. Mitchell, the only Negro member of congress, of the constitutionality of "Jim Crow" railway cars in the south.

Mitchell [D., Ill.] asserted that railroads must furnish accommodations to members of his race equal to those provided white persons traveling in interstate commerce. His petition was dismissed by the Northern Illinois Federal District court. Granting of a Supreme court review means that argument will be heard in a few weeks, to be followed by a final decision.

Mitchell's petition said that while traveling from Chicago to Hot Springs, Ark., in 1937, on a first class ticket, he was "forcibly ejected" from a Pullman car in Arkansas and compelled to finish the journey in a "Jim Crow" car.

Referring to claims by the Chicago, Rock Island and Pacific Railway company that it had acted under provisions of the Arkansas separate car law, Mitchell said the constitution gave congress exclusive jurisdiction over interstate commerce and the state statute did not apply to his case.

High Court to Hear Jim Crow Car Case

DEC 16 1940
By the Associated Press.

WASHINGTON, Dec. 16.—The Supreme Court agreed today to review a challenge by Representative Arthur W. Mitchell (D., Ill.), the only Negro member of Congress, against the constitutionality of Jim Crow railway cars in the South.

Representative Mitchell's petition had been dismissed by the Northern Illinois Federal District Court.

Argument will be heard in a few weeks and a final decision will follow.

CONGRESSMAN MITCHELL'S

APPEAL

DEC 14 1940

REPRESENTATIVE Arthur W. Mitchell of

Chicago, only Negro member of Congress, has asked the Supreme Court to uphold his claim for damages because three years ago he was forced to ride in a second-class railroad car, although he held a first-class ticket. If the court supports the Congressman's stand, its ruling may serve to break down "Jim Crow" practices and racial discrimination by some railroads, in particular the segregation of Negroes in poorer accommodations.

Mr. Mitchell is suing the Pullman Company, the Illinois Central Railroad and the Rock Island Railroad for \$50,000 damages, asserting that he suffered humiliation and inconvenience when he was forced to leave a Pullman car and go into another coach while traveling from Chicago to Hot Springs, Ark., on April 21, 1937. In his suit, Mr. Mitchell argues that the separate car law of Arkansas cannot be applied to interstate trains. The laws of some states provide that separate but equal accommodations must be furnished to white and Negro races but Congressman Mitchell contends that the Rock Island Railroad was operating dirty and poorly equipped coaches for its Negro passengers.

The Congressman's experiences have been duplicated many times in other parts of the South and if he is successful in winning his suit, he will have done his race a great service in breaking up "Jim Crow" practices in interstate transportation, and in forcing the railroads in the South to provide better accommodations for their Negro passengers.

Railroad Case Taken To U.S. Supreme Court

Philadelphia, Pa.
Congressman Mitchell's Charges Of Segregation To Be Heard

DEC 5 1940
WASHINGTON (ANP)—Congressman Arthur W. Mitchell's case charging discrimination of Negro passengers by railroads was filed Nov. 18 in the United States Supreme Court, following litigation in several lower courts since April, 1937.

When Congressman Mitchell was en route to Hot Springs, Ark., from Chicago, he was told in Memphis, where he changed trains that he could not purchase first class accommodations because of his race. The case was first carried to William A. Disque, examiner for the Interstate Commerce Commission, who substantiated the facts as presented by Mitchell but held that there had been no "undue" discrimination, since there were not sufficient Negroes using the railroad to justify establishment of first class accommodations for them. He also held that the railroad was not at fault since it was merely complying with the Arkansas laws which require separation of the races.

The appeal to the supreme court is from a judgment handed down in April, 1939, by a special three-judge court in Chicago which upheld earlier ruling that no undue discrimination had been shown Mitchell.

—A Colored Judge—

Segregation Issue Up to High Court

By the United Press
DEC 3 1940

WASHINGTON, Dec. 3.—Representative Mitchell (D., Ill.), the only Negro member of Congress carried to the supreme court today his fight to outlaw the segregation of Negro passengers on railroads in the South.

Representative Mitchell's fight began in 1937 when he was forced to leave a Pullman car, and make the major part of his journey in a car furnished for Negro passengers. He originally had paid for first class accommodations.

The Interstate Commerce Commission denied his request to require carriers to discontinue alleged discrimination against Negro passengers. A three-judge Federal District Court upheld the ICC.

Mitchell Case Taken To United States Supreme Court After Three-Year Battle

Claims He Could Not Purchase First Class Accommodations Because of His Color

Has Been Tried In Lower Courts

NOV 30 1940

WASHINGTON (ANP)—Congressman Arthur W. Mitchell's case charging discrimination of Negro passengers by railroads was filed Nov. 18 in the United States Supreme court, following litigation in several lower courts since April 1937.

When Congressman Mitchell was enroute to Hot Springs, Ark., from Chicago, he was told in Memphis where he changed trains that he could not purchase first class accommodations because of his race. The case was first carried to William A. Disque, examiner for the Interstate Commerce Commission, who substantiated the facts as presented by Mitchell but held that there had been no "undue" discrimination, since there were not sufficient Negroes using the railroad to justify establishment of first class accommodations for them. He also held that the railroad was not at fault since it was merely complying with the Arkansas laws which require separation of the races.

The appeal to the supreme court is from a judgment handed down in April, 1939, by a special three-judge court in Chicago which upheld earlier rulings that no undue discrimination had been shown Mitchell.

Kentucky Woman Had Sought

\$2,500 Damages

DEC 5 1940

LEXINGTON, Ky. (SNS)—A jury awarded Miss Jennie Bibbs Didlick, teacher, \$100 Friday, November 22, because a bus driver had put her off the vehicle when she refused to sit on the back seat.

Miss Didlick, a member of the faculty of the Booker T. Washington high school, sued the Southeastern Greyhound Lines several months ago when a bus driver attempted to isolate her from other passengers on a trip October 4,

1939, from Winchester to Lexington.

The teacher told the jury that she refused to take a rear seat because she always became ill from riding on the long "pump" seat. She said that she was sitting on the second seat from the rear when the bus driver told her to move back so that two white passengers could have her seat.

When Miss Didlick refused, the bus driver put her off the bus.

In her damage suit, Miss Didlick had asked \$2,500. She has taught school in Lexington for 12 years. The case was heard in the Fayette circuit court.

Counsel for the bus lines argued that the bus company reserved the right to seat passengers as it saw fit.

The Kentucky law, however which provides for separate railway cars for Negroes, does not apply to buses.

Several of Miss Didlick's witnesses were white.

Jim-Crowism on the Railroads

DEC 6 1940

• Rep. Arthur Mitchell's suit in the Supreme Court against his jim-crow ejection from a Pullman coach, focuses attention on the terrible and humiliating discrimination imposed upon the Negro people by the railroad industry.

Although an American citizen and an elected representative of the people, the Negro Congressman was brutally pulled out of his berth in Arkansas and forced to ride in a filthy, jim-crow coach. This is the way the

High Court Is Asked to Back Race Equality; Negro in Congress Attacks Arkansas Law

DEC 4 1940 Special to THE NEW YORK TIMES.

WASHINGTON, Dec. 3.—Representative Arthur W. Mitchell of Chicago, the only Negro member of Congress, asked the Supreme Court today to uphold his claim for damages because three years ago he was forced to ride in a second-class railroad car, although he held a first-class ticket.

He filed a brief with the court as part of his fight to break down "Jim Crow" practices and racial discrimination by some railroads, in particular the segregation of Negroes in poorer accommodations.

Traveling from Chicago to Hot Springs, Ark., on April 21, 1937, Mr. Mitchell was forced by a conductor to leave a Pullman car and go into another coach as the train entered the Arkansas border. He said he had bought two first-class tickets in order to occupy an entire Pullman space and that when he was ejected space was still left. The other car he described as "filthy."

The Representative, who once was an office boy for Booker T. Washington, the Negro educator, filed a damage suit for \$50,000 against the Pullman Company, the Illinois Central Railroad and the Rock Island Railroad, asserting that he had suffered "humiliation and inconvenience."

The laws of some States provide that equal accommodations must be furnished to white and Negro races, Mr. Mitchell stated. The Rock Island, he added, did not comply with this law.

"I went back to Chicago in a Jim Crow of another railroad which was equal in accommodations to that furnished to white people," he said, "so I am not aiming at all the railroads, merely those who operate dirty, filthy equipment my people are forced to ride in."

In the suit Mr. Mitchell argued that the "separate car" law of Arkansas cannot be applied to interstate trains.

"The principles of justice and equality in the transportation of persons and property," he said in his brief, "are imbedded in the Interstate Commerce Act and rest upon no less a foundation than the Constitution of the United States. Whoever attempts to deny these principles in just application puts himself in antagonism to the established law of the land."

Mr. Mitchell appealed to the Supreme Court from the Federal District Court of Northern Illinois. He previously had sought an order from the I. C. C.

Pullman Company, the Illinois Central and the Rock Island Railroads—against whom Rep. Mitchell is prosecuting a \$50,000 damage suit—"honored" the first class ticket of an American citizen.

If such outrageous treatment is given to the lone Negro Congressman in the country, it is not hard to imagine the ruling class oppression forced upon the Negro people as a whole.

But Rep. Mitchell's statement the other day, that he found a "Jim-crow accommodation which was equal and that he was fighting only the jim-crowism on trains which was 'filthy,' constitutes acceptance of the principle of jim-crowism. That, indeed, is a peculiar way to fight jim-crowism against the Negro people—a way which leaves the whole national system of discrimination against Negroes practically untouched.

Every railroad in the South cooperates with the illegal jim-crow laws which are at the basis of the inferior accommodations and conditions imposed upon the Negro people. These laws and the discriminatory practices of railroads and other public carriers should be attacked for none of them are ac-

are responsible for the jim-crow system.

Both Negro and white should join hands to see that the shameful discrimination of the railroads and of the state laws and officials be wiped away.

ceptable to the Negro people.

But the position of Rep. Mitchell, in rebaiting against militant fighters for Negro rights and in supporting the Administration's fake "defense" program gives comfort to the very reactionary forces which

Railroad Case Taken To Supreme Court

Mitchell Case Taken To United States Supreme Court After Three-Year Battle

Charges Of Segregation To Be Heard

DEC 5 1940—Congressman Arthur W. Mitchell's case charging discrimination of Negro passengers by railroads was filed Nov. 18 in the United States Supreme Court, following litigation in several lower courts since April, 1937.

When Congressman Mitchell was en route to Hot Springs, Ark., from Chicago, he was told in Memphis where he changed trains that he could not purchase first class accommodations because of his race. The case was first carried to William A. Disque, examiner for the Interstate Commerce Commission, who substantiated the facts as presented by Mitchell but held that there had been no "undue" discrimination, since there were not sufficient Negroes using the railroad to justify establishment of first class accommodations for them. He also held that the railroad was not at fault since it was merely complying with the Arkansas laws which required separation of the races.

The appeal to the supreme court is from a judgment handed down in April, 1939, by a special three-judge court in Chicago which upheld earlier ruling that no undue discrimination had been shown Mitchell.

Segregation Issue Up to High Court

By the United States Supreme Court
WASHINGTON, Dec. 3—1940

Representative Mitchell (D., Ill.), the only Negro member of Congress carried to the supreme court today to fight the battle for segregation of Negro passengers on railroads in the South.

Representative Mitchell's fight began in 1937 when he was forced to leave a Pullman car, and make the major part of his journey in a car furnished for Negro passengers. He then filed suit in federal court for first class accommodations. The Interstate Commerce Commission denied his request to require carriers to discontinue alleged discrimination against Negro passengers. A three-judge Federal District Court upheld the ICC.

Claims He Could Not Purchase First Class Accommodations Because of His Color

Has Been Tried In Lower Courts
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Kentucky Woman Had Sought

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High Court Is Asked to Back Race Equality; Negro in Congress Attacks Arkansas Law

DEC 4 1940 Special to THE NEW YORK TIMES.

WASHINGTON, Dec. 3—Representative Arthur W. Mitchell of Chicago, the only Negro member of Congress, asked the Supreme Court today to uphold his claim for damages because three years ago he was forced to ride in a second-class railroad car, although he held a first-class ticket.

Mr. Mitchell's case, which he filed in federal court in Chicago, is the first of its kind to be brought to the supreme court as part of his fight to break down "Jim Crow" practices and racial discrimination by some railroads. In particular the segregation of Negroes in poorer accommodations. Traveling from Chicago to Hot Springs, Ark., on April 21, 1937, Mr. Mitchell was forced by a conductor to leave a Pullman car and go into another coach as the train entered the Arkansas border. He said he had bought two first-class tickets in order to occupy an entire Pullman space and that when he was ejected space was still left. The other car he described as "filthy." The Representative, who once was an office boy for Booker T. Washington, the Negro educator, filed a damage suit for \$50,000 against the Pullman Company, the Illinois Central Railroad, and the Rock Island Railroad, asserting that he had suffered "humiliation and inconvenience."

Counsel for the bus lines argued that the bus company reserved the right to seat passengers as it saw fit. The Kentucky law, however, which provides for separate railway cars for Negroes, does not apply to buses. Several of Miss Didlick's witnesses were white.

Jim-Crowism on the Railroads

Rep. Arthur Mitchell's suit in the Supreme Court against his jim-crow ejection from a Pullman coach, focuses attention on the terrible and humiliating discrimination imposed upon the Negro people by the railroad industry.

Although an American citizen and an elected representative of the people, the Negro Congressman was brutally pulled out of his berth in Arkansas and forced to ride in a filthy, jim-crow coach. This is the way the

are responsible for the jim-crow system. Both Negro and white should join hands to see that the shameful discrimination of the railroads and of the state laws and officials be wiped away.

But the position of Rep. Mitchell, in red-baiting against militant fighters for Negro rights and in supporting the Administration's fake "defense" program gives comfort to the very reactionary forces which

JIM CROW CARS- 1940

PONDER APPEAL OF MITCHELL IN JIM CROW SUIT

A petition by Congressman Arthur W. Mitchell of Illinois seeking to set aside an order of the Interstate Commerce Commission was taken under advisement yesterday by Federal Judges Will M. Sparks, Charles E. Woodward and Michael L. Igoe, sitting in a body.

The commission order dismissed Congressman Mitchell's request for a ruling against the Chicago, Rock Island and Pacific Railroad company, the Illinois Central Railroad and the Pullman company ordering them to cease and desist from alleged discrimination against passengers because of race, color or creed.

Congressman Mitchell, who is colored, charged that in April, 1937, he was put off a Pullman car near Memphis, Tenn., and forced to ride in a "Jim Crow" car, altho he paid for first class passage to Chicago from Hot Springs, Ark. The congressman has a \$50,000 damage suit pending in Circuit court in connection with the incident.

CONG. MITCHELL TRANSIT SUIT TO U. S. COURT

Atty. Westbrooks Given
Leave Of Appeal In
Jim Crow Case

The discrimination suit of Congressman Arthur W. Mitchell is headed for the United States Supreme court for final decision. This was learned, Monday through Richard E. Westbrooks, attorney for the congressman, who appeared before Circuit Judge William M. Sparks, Friday and was granted leave to appeal from the decision of the special three-judge court which earlier upheld the final orders of the Interstate Commerce commission.

The commission, by a six-to-five decision, held that the conduct of the train conductor in compelling the congressman to ride in a "jim-crow" car on his journey from Memphis to Hot Springs, was unjust discrimination. The congressman had purchased a first-class ticket and was entitled to receive first-class accommodations, it was pointed out.

Attorney Westbrooks filed 43 assignments of error claiming that the discriminatory action of the train conductor on the Rock Island railroad violated the Fourteenth Amendment of the United States Constitution; the enforcement and Civil Rights act passed by Congress to enforce the provisions of the Fourteenth Amendment; several provisions of the Interstate Commerce act; was contrary to the basic principles upon which this government was founded and was tantamount to judicial approval of unjust discrimination against a native-born American citizen, solely on account of his race and color.

Special court was presided over by the following judges: William M. Sparks of the United States Circuit Court of Appeals, and Charles E. Woodward and Michael L. Igoe of the United States District court. The appeal bond fixed by Judge Sparks was filed Saturday, Aug. 24 when Attorney Westbrooks informed the court that the congressman had sent his certified check as security for the same.

The final decision of the United States Supreme Court in this case will determine the force and effect of the Fourteenth Amendment as applied to the equality of civil rights of a large group of American citizens.

Mitchell's Railroad SUIT TO SUPREME COURT

CHICAGO.—(ANP) — The discrimination suit of Congressman Arthur W. Mitchell is headed for the United States Supreme Court for final decision. Richard E. Westbrooks, attorney for the Congressman, appeared before Circuit Judge William R. Sparks, Friday and was granted leave to appeal to the U. S. Supreme Court from the decision of the special three-judge court which upheld the final orders of the

Mitchell's Railroad Suit To Have Reaching Effect

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Richard E. Westbrooks, attorney for the Congressman appeared before Circuit Judge William R. Sparks and was granted leave to appeal to the United States Supreme court from the decision of the special three-judge court which upheld the final orders of the Interstate Commerce commission.

The commission, by a six to five decision, held that the conduct of the train conductor in compelling the congressman to ride in a Jim Crow car on his journey from Memphis to Hot Springs was not unjust discrimination, although the congressman held a first-class ticket and was entitled to receive first-class accommodations on the interstate journey from Chicago to Arkansas.

The attorney filed 43 assignments of error claiming that the discriminatory action of the train conductor on the Rock Island road violated the 14th Amendment of the United States constitution, the Enforcement and Civil Rights act passed by congress to enforce the provisions of the 14th amendment, several provisions of the Interstate Commerce act, contrary to the basic principles upon which this government was founded and

was tantamount to the judicial approval of unjust discrimination against a native-born American citizen, solely on account of his race and color. He further contended that such conduct was not only unjust but unAmerican.

This is the first case to be taken to the supreme court of the United States for a decision which directly involves the rights of all American citizens to be furnished equal accommodations and facilities, when traveling as inter-state passengers and paying the same fares and charges.

The decision of the three judges in upholding decisions against American citizens was somewhat of a surprise in view of the fact that two of the judges, Igoe and Woodward, have held many public offices in the state of Illinois.

The final decision of the United States Supreme court in this case will determine the force and effect of the 14th amendment as applied to the equality of the civil rights of a large group of loyal American citizens, Mr. Westbrooks pointed out.

The Arthur W. Mitchell Case

It was just about three years ago that Congressman Arthur W. Mitchell was forced to abandon his Pullman car in Memphis, Tenn., and complete his journey from Chicago to Little Rock, Arkansas, in a Jim Crow car.

Angered, the Illinois representative filed a protest with the Interstate Commerce Commission, but was denied redress by Examiner William Disque after a lengthy hearing in Chicago. Later the matter was reviewed by a special three-judge court, also in Chicago. Then the ruling of Examiner Disque was upheld. The case was filed November 18 in the highest court in the land.

Gist of the Disque decision was that "there had been no undue discrimination since there was not sufficient Negroes using the railroad to justify the establishment of first class accommodations for them." He also held that the railroad was not at fault since it was merely complying with the Arkansas laws which require separation of the races.

In the Mitchell petition, the Supreme Court is being asked to decide whether a common carrier operating under the Interstate Commerce Acts may charge first class

fare for a passenger then provide inferior accommodations merely because one state or states in which it operates require that members of the white and black races must be separated. It is the contention of the plaintiff that (1) the railroad has no right to jim crow a passenger; and (2) that the railroad did not comply fully with the Arkansas law, which calls for equal but separate accommodation. The ruling of the Supreme Court in this case will be epochal, to say the least.

Equal Facilities On Railroads Asked By Negro Congressman

WASHINGTON, Dec. 3—(AP)—Rep. Arthur W. Mitchell, of Illinois, the only negro member of congress, asked the supreme court today to compel railroads to give members of his race facilities equal to those provided for white persons.

He sought a review of a decision by the federal district court of northern Illinois dismissing his suit against the Interstate Commerce Commission.

The negro representative complained that on a journey from Chicago to Hot Springs, Ark., in 1937 he had been "forcibly ejected" from first class accommodations and compelled to complete the journey in second class accommodations furnished for use by colored passengers and known as the "Jim Crow" car.

He asserted that he had purchased a first class ticket and was entitled to equal accommodations with white persons.

"Simple justice in the interpretation and application of the federal constitution, the 14th amendment and all laws made pursuant thereto," the petition asserted, "should require equality in interstate transportation of all American citizens without regard to race or color."

The 14th amendment to the constitution, it was contended, "was designed to assure to the colored race the enjoyment of all the civil rights that under the law are enjoyed by white persons."

JIM CROW ACT IS ATTACKED

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Negro Congressman Asks Court Review Of Jim-Crow Case

WASHINGTON — (AP) — Representative Arthur W. Mitchell, of Illinois, the only Negro member of Congress, asked the Supreme Court Tuesday to compel the railroads to give members of his race facilities equal to those provided for white persons.

He sought a review of a decision by the Federal District Court of Northern Illinois dismissing his suit against the Interstate Commerce Commission.

The Negro representative complained that on a journey from Chicago to Hot Springs, Ark., in 1937, he had been "forcibly ejected" from first-class accommodations and "compelled to complete the journey in second-class accommodations furnished for use by colored passengers and known as 'jim-crow' car."

He asserted he had purchased a first-class ticket and was entitled to equal accommodations with white persons.

"Simple justice in the interpretation and application of the federal constitution, the fourteenth amendment and all laws made pursuant thereto," the petition asserted, "should require equality in interstate transportation of all American citizens without regard to race or color."

"The fourteenth amendment to the constitution, it was contended, 'was designed to assure to the colored race the enjoyment of all the civil rights that under the law are enjoyed by white persons.'"

Mitchell Case To High Court

NOV 24 1940

WASHINGTON, (ANP) — Congressman Arthur W. Mitchell's case charging discrimination of Negro passengers by railroads was filed November 18 in the United States Supreme court, following litigation in several lower courts since April 1937.

When Congressman Mitchell was en route to Hot Springs, Ark., from Chicago, he was told in Memphis where he changed trains that he could not purchase first class accommodations because of his race. The case was first carried to William A. Disque, examiner for the Interstate Commerce commission, who substantiated the facts as presented by Mitchell but held that there had been no "undue" discrimination, since there were not sufficient Negroes using the railroad to justify establishment of first class accommodations for them. He also held that the railroad was not at fault since it was merely complying with the Arkansas laws which require separation of the races.

The appeal to the supreme court is from a judgment handed down in April, 1939, by a special three-judge court in Chicago which upheld earlier rulings that no undue discrimination had been shown Mitchell.

Some Ga. News-Tribune
December 19, 1940

For Political Purposes

Arthur Mitchell, the negro congressman from Chicago, wishes to have the United States Supreme Court review his challenge of the use of Jim Crow cars in interstate railroad traffic, and The Tifton Gazette, in commenting thereon, says that it may lead only to trouble.

The Tifton paper adds:

"The problem has been solving itself gradually, aided by the highway buses, where segregation of negroes from whites in separate vehicles is not possible, and aided by the fact that Americans are a traveling people and Southerners are familiar with Northern customs, where the negroes are not segregated.

"The story of a Southerner objecting to being thrown with the negro in the North now is unusual. There is good reason to believe the South will accept the negro on approximately even terms, as the negro betters himself. But there may be violent objection in some quarters to having the two races thrown together suddenly on railroad trains, where they have been separated so long. And it is certain that politicians will make capital of such a condition and may fan to life again a racial prejudice that has been dying gradually."

What The Gazette does not stress is the fact that certain politicians will not only make capital out of a thing such as this which happens to come this way, but that it is deliberately designed for the benefit of the politicians in the North. There is more than one man who stays in Congress today on no other platform than one which is aimed at the South and the destruction of its traditions.

Bishopville, S. C. Messenger
December 19, 1940

The Northern Negroes resent the fact that when they travel into the South they have to change from regular coaches to "Jim Crow" railway cars. They also have to move to the back part of busses when the busses go into Southern states. Representative Arthur W. Mitchell, Democrat, of Illinois, the only Negro member of Congress, is leading the fight against this segregation of races on Southern trains and busses. In our way of thinking, it will be quite some time before real Southerners will permit the Negroes to eat with them, sleep in the same hotels, and occupy the same coaches and sit with them on the same bus seat. The Negro has come a long way and still has a long way to go, but in this one case he had better let well enough alone. The time is not yet, and possibly will never be, ripe for such a change.

BUS COMPANY MUST PAY, HIGH COURT RULES

Judge Denounces Police, Bus Co.

A decision which scathingly denounced police and officials of the Southern Limited Bus company action in the arrest, imprisonment and prosecution of Mrs. Alice B. Carter, well known south side business woman, was handed down in the Appellate Court of Illinois upholding a Superior Court ruling which awarded Mrs. Carter a \$2,300 judgment against the bus company.

Mrs. Carter was arrested without a warrant in December of 1936 and held in jail for 40 hours before brought to trial. She was prosecuted in both the Felony and Criminal courts on charges of receiving stolen property and conspiracy to defraud company last year.

Indictments Nolle Prossed

Arraigned before Judge Padden in Felony court, the jurist refused to hold her to the grand jury. The case was then prosecuted in the Criminal court where indictments against her were nolle prossed.

Mrs. Carter, through her attorney, A. M. Burroughs of the law firm of Prescott, Burroughs and Taylor, filed suit against the bus company charging false arrest, imprisonment and malicious prosecution. On Mar. 10, 1939, a jury in Superior Court awarded her \$2,300. The bus company immediately appealed. The decision of the Appellate court upholding the lower court ruling followed this week.

Dismissal Proved Innocence

Attorney Burroughs, who made a relentless fight in behalf of his client, contended before the Superior Court that Mrs. Carter's innocence had been proved when the case was dismissed in the Felony Court and when the state's attorney nolle prossed indictments in the criminal court. Mrs. Carter is the wife of Richard Carter, owner of the 31st street bus depot at 3100 South Parkway. The couple resides at 5402 Indiana avenue, and have one son who is a student in DuSable High School. Justice Dennis E. Sullivan, who wrote the Appellate Court decision stated in part:

Denounces Action

"We wonder if some public officials really believe that they have the right, in violation of the constitution and law, to subject citizens to treatment received by the plaintiff herein. Do they not know that they have no right to arrest a person without a warrant unless they either see a crime committed, or know that a crime has been committed, and have reason to believe the accused guilty?"

"Do they not know that their duty is to take the person so arrested before a magistrate; that they have no right to make a defendant 'talk'?"

Bus company officials stated that they acted on advice of Assistant State's Attorney Irvin Clorfene in ordering Mrs. Carter's arrest. She was accused of taking property belonging to the bus company and valued at \$104. Arrested with her, were two other colored managers of south side bus depots. One is alleged to have paid off. The other, R. L. Smith, who operates a bus depot at 47th and South Parkway, refused and was beaten.

Police Officers Rocco Filletti and Peter Callahan, assigned to the Vehicle Bureau made the arrest. They explained that they did so under orders from their supervisor, Lieut. Killackey. Killackey was removed to another station when the case broke, it was reported.

Asheville N. C. (Clem)
December 16, 1940

SUPREME COURT MAY ACT TODAY ON NEGRO LAW

WASHINGTON, Dec. 15. (AP)—The supreme court may act tomorrow on litigation involving the constitutionality of "Jim Crow" railway cars for negroes in the South.

Rep. Arthur W. Mitchell (D., Ill.), the only negro member of congress, has asked a review of a decision by the northern Illinois federal district court which dismissed his attack on the practice of segregating negroes on trains, as applied to an interstate passenger.

Mitchell (D., Ill.), brought suit after he said he had been "forcibly ejected" from a Southern pullman car in Arkansas and compelled to finish his journey from Chicago to Hot Springs in a "Jim Crow" car.

His petition asserted that he had bought a first-class ticket in Chicago and should not have been compelled to go into "second-class" accommodations provided for negroes.

Mitchell said the fourteenth amendment to the constitution, guaranteeing "equal protection of the laws," was "designed to assure to the colored race the enjoyment of all the civil rights that under the law are enjoyed by white persons."

Final decisions also may be delivered tomorrow on litigation involving regulation of the nation's hydroelectric projects and on contempt of court convictions of the Los Angeles Times and of Harry Bridges, West coast labor leader.

Mitchell's Case

DEC 15 1940

IN 1937 Congressman Arthur W. Mitchell was ejected from a first class passenger coach while it was passing through one of the southern states. The congressman was not ordered from the coach because his accommodations had not been paid. Nor was he ousted from the coach because of any ground which an ordinary prudent man void of prejudice would consider as good cause. He was a Negro. That, opined the conductor was reason enough. For a Negro, whether he be a United States congressman or a plain cotton picker, must not ride through the South with white people in the same car. For that is considered conduct unbecoming the dignity of state laws and regulations.

On the other hand under our Constitution exclusive jurisdiction conferred upon the federal government for regulating interstate commerce. A passenger train passing from one state into another state is engaged in interstate commerce and as such federal laws should transcend all state laws.

Congressman Mitchell promptly filed suit against the railroad company. The adverse decisions obtained in the lower courts led the Illinois senator to drop his case in the laps of the United States Supreme court justices. The case is now awaiting their decision.

Mitchell was a congressman at the time of the offense. He was riding as such. But yet he could not ride in the same car that the lowest, tobacco-chewing, beer-soaked white southerner could ride. Reason? There is none. This fact brings home the characteristic evil that springs from prejudice and discrimination. Be you minister or gambler, congressman or criminal, the rule applies. Your position is categorized by your color.

Democracy is in a pretty mess of affairs when a member of the greatest deliberative body in the world who has been duly elected to legislate for the common good of all American citizens must be quarantined in a segregated passenger car as though possessed of a contagious disease.

The justices of the Supreme court will have a cute question to decide when they take up the issue regarding the right of Negroes to ride as first class passengers through the South where no provisions are made for them as such passengers. It is hoped that the decision will carry out the democratic process

TO STUDY JIM-CROW COACHES IN SOUTH

DEC 21 1940

WASHINGTON, Dec. 19.—

Cheating of Negro passengers on Southern railroads through the operation of jim crow laws was promised an airing Monday when the United States Supreme Court agreed to review the case which Congressman Arthur Mitchell, Chicago, has brought against one southern railroad for refusing to give him "equal accommodations" after he had paid for them.

The Illinois Congressman has been pushing the case for nearly three years, ever since he was denied the seat he had purchased on a trip out of Arkansas.

In several appearances before the Interstate Commerce Commission, Mr. Mitchell and his attorney, Richard Westbrook, Chicago, were rebuffed, but both have steadily persisted in their determination to have the case finally adjudged on its merits.

The Supreme Court did not indicate when a hearing would be held.

U.S. Supreme Court Hears Mitchell's Railroad Case

DEC 13 1940

strict court of Northern Illinois. He previously had sought an order from the I. C. C.

WASHINGTON.—(ANP)—Representative Arthur W. Mitchell of Chicago, the only Negro member of the congress, asked the supreme court to uphold his claim for damages because three years ago he was forced to ride in a second-class railroad car, although he held a first-class ticket.

He filed a brief with the court as part of his fight to break down jim crow practices and racial discrimination by some railroads, in particular the segregation of Negroes in poorer accommodations.

Traveling from Chicago to Hot Springs, Ark., on April 27, 1937, Mr. Mitchell was forced by a conductor to leave a Pullman car and go into another coach as the train entered the Arkansas border. He said he had bought two first-class tickets in order to occupy an entire Pullman space and that when he was ejected space was still left. The other car he described as "filthy."

Sues for \$50,000

The representative who once was an office boy for Booker T. Washington, filed a damage suit for \$50,000 against the Pullman company, the Illinois Central railroad and the Rock Island railroad asserting that he had suffered "humiliation and inconvenience."

The laws of the state provide that equal accommodations must be furnished to white and Negro races, Mr. Mitchell said. The Rock Island, he added, did not comply with this rule.

"I went back to Chicago in a jim crow of another railroad which was equal in accommodations to that furnished white persons," he said, "so I am not aiming at all the railroads, merely those who operate dirty, filthy equipment my people are forced to ride in."

I. C. C. Order

In the suit Mr. Mitchell argued Arkansas cannot be applied to interstate trains.

"The principles of justice and equality in transportation of persons and property" he said in his brief, "are imbedded in the Interstate Commerce act and rest upon no less a foundation than the Constitution of the United States. Whoever attempts to deny these principles their just application puts himself in antagonism to the established law of the land."

Mr. Mitchell appealed to the supreme court from the federal dis-

Congressman Mitchell's Great Opportunity

Congressman Arthur W. Mitchell, suing the Rock Island Railroad because it made him leave a first-class Pullman car to ride in a third-class jim-crow coach, argues before the Supreme Court that:

The "separate car" law of Arkansas cannot be applied to interstate trains.

The High Court will very probably rule with the Congressman on this point, which for most border States was settled by the celebrated Hart Case some years ago. In that instance the Maryland Court of Appeals decided against separate cars for interstate passengers.

Failure of Southern States like Virginia, the Carolinas and Arkansas to recognize the Hart decision must be laid at the door of the citizens of these States, who have lacked the courage to take the railroads into court.

There should be enough intelligence, foresight and money in every Dixie commonwealth to break up this nefarious practice.

But we should go further than this. Every colored American should memorize this section of the Fourteenth Amendment to the U.S. Constitution:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

That is a sacred sentence to every American who is a member of a minority group. It is doubly sacred to us because it was enacted to guarantee us not equal rights, but the identical privileges and immunities any other citizen enjoys.

This sentence says that if one citizen has certain public privileges, we must have them. If others are excused from certain obligations, we must be excused.

Nothing is said here about separate and equal cars, separate and equal schools, separate and equal accommodations. That is a fiction that has been built up by compromise and double dealing. The Constitution expressly forbids it.

Separate cars are not only illegal for interstate commerce, they are illegal in interstate traffic also.

Our only regret here is that an able and astute legal mind, such as that of Congressman Mitchell, did not avail itself of the opportunity in this case to have the Supreme Court rule on State as well as intrastate jim crow.

AWARDED \$100 FOR JIM CROW ON BUS LINE

Kentucky Teacher Was Put Off Because She Would Not Take Back Seat

NOV 29 1940

LEXINGTON, Ky. — A jury awarded Miss Jennie Bibbs Didlick, teacher, \$100 Friday, November 22, because a bus driver had put her off the vehicle when she refused to sit on the back seat.

Miss Didlick, a member of the faculty of the Booker T. Washington high school, sued the Southeastern Greyhound Lines several months ago when a bus driver attempted to isolate her from other passengers on a trip October 4, 1939, from Winchester to Lexington.

The teacher told the jury that she refused to take a rear seat because she always became ill from riding on the long "jump" seat. She said that she was sitting on the second seat from the rear when the bus driver told her to move back so that two white passengers could have her seat.

When Miss Didlick refused, the bus driver put her off the bus.

In her damage suit, Miss Didlick had asked \$2,500. She has taught school in Lexington for 12 years. The case was heard in the Fayette circuit court.

Counsel for the bus lines argued that the bus company reserved the right to seat passengers as it saw fit.

The Kentucky law, however, which provides for separate railway cars for Negroes, does not apply to busses.

Several of Miss Didlick's witnesses were white.

DEC 8 1940

LEXINGTON, Ky. SN A

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Awarded \$100 After Driver Put Her Off Jim Crow Bus

Louisiana Wants Separate Buses For Two Races

BLEON LEWIS

BATON ROUGE, La., June 1 (AP) — Two bills introduced in the Louisiana State senate this week by Sen. Carbajal would require motor bus companies to provide separate motor buses for colored and white passengers and require intracity transportation companies to provide separate accommodations. This extreme jim crow measure was looked upon from two distinct perspectives by civic leaders of Baton Rouge.

On the one hand the bill was favored in that it would assure Negro passengers of comfortable seating in their bus travel and on the other hand it is establishing a definite enforcement of jim crow practices. Those who favored the measure argued that many Negro passengers of buses have complained that they have had to stand up because white passengers had crowded out the bus from stern to stem, but if separate compartments or separate buses were designated, Negroes would always have a certain number of accommodations, which white people could not use under any circumstances.

Would Be Misdemeanor

The bill provides that penalties shall be levied upon discovery of violation of the clause that makes it a misdemeanor for whites to occupy the Negro compartments or vice versa. They also argued that for bus companies to be forced to operate separate buses for Negroes would be a new avenue of employment for Negroes as bus drivers.

Those objecting to the passage of the measure held that this is fostering a static jim crow policy and places us further away from full American citizenship and equal rights. The bill does not provide for equal buses, in the case of separate ones, the objectors fear that Negroes will be given access to inferior bus transportation raising the danger of traveling.

The bus companies themselves are manipulating a bitter fight against the measure because of the added expense and operating

costs. They say passage of the bill would force them to raise the per mile rate now offered by buses. A majority of the senate committee favored passage of the measure.

Would Have Separate Buses in Louisiana

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Want Separate Buses for Negroes in Louisiana

WOULD HAVE SEPARATE
BUSES FOR NEGROES
AND WHITES IN LA.

Bystander
Baton Rouge, La. (by Leon Lewis for ANP). - Two bills introduced in the Louisiana State Senate this week by Senator [unclear] would require white passengers and require intracity motor buses for colored and motor bus companies to provide separate transportation companies to provide separate accommodations. This extreme jim crow measure was looked upon from two distinct perspectives by civic leaders of Baton Rouge:

On the one hand the bill was favored in that it would assure Negro passenger of comfortable seating in their bus travel and on the other hand it is establishing a definite enforcement of jim crow practices. Those who favored the measure argued that many Negro passengers of buses have complained that they have had to stand up because white passengers have crowded out the bus from stern to stem, but if separate compartment or separate buses were designated Negroes would always have a certain number of accommodations, which white people could not use under any circumstances. The bill provides that penalties shall be levied upon discovery of violation of the clause that makes it a misdemeanor for whites to occupy the Negro compartments or visa versa. They also argued that for bus companies to be forced to operate separate buses for Negroes would be a new avenue of employment for Negroes as bus drivers.

THE BUS CASE TO COURT

The Guardian
7-27-40
Boston, Mass.

Suits for damages were entered this week against a local interstate bus company because of alleged racial discrimination against two women passengers on a bus from New York to Boston.

Marie Crawford Boykin, wife of Artist Cloyd Boykin and her cousin Mrs. Grace Coleman were allegedly barred from occupancy of the seats for which they held tickets and were compelled to occupy seats over the rear wheels, a location which is said to be the most uncomfortable on the bus. It is charged that they were insolently asked where they got the tickets and told that the tickets should not have been sold to them. Protests and threats of suit failed to change the situation and the ladies pocketed pride and made the trip determined to seek redress by law.

The suits were brought early this week by Attorney Irwin T. Dorch, former president of the N.A.A.C.P. and are returnable Saturday. Each of the alleged victims demands the sum of one thousand dollars. It is learned that the bus company sent its insurance representative to confer with counsel for the complainants and was briefly advised that the case was not one of insurance but involved racial discrimination and breach of contract. The case will be fought to a finish.

The suits brought out the statement from informed sources that colored bus patrons of most lines are sold seats no farther front than the fourth row, just over the rear wheels, where the bus riders get the hardest of the jolts. Bus companies realizing that they cannot openly refuse selling any vacant seat to colored travelers are said to resort to a routine of subterfuge and trickery in getting colored patrons to accept the seats assigned in the "colored section" of buses. Practically every bus company will disclaim any attempt to segregate passengers, but frequent travelers on interstate lines assert that they always are assigned to the uncomfortable seats over the rear wheels.

The advice of an experience bus agent is "Make your reservations early and insist on getting the seat you paid for". The Silver Dart Bus Lines, Inc., represented by Harold K. Stevens, in a signed statement, declares that their lines are operated free from any discrimination whatever. The statement from the agency, 624 Columbus Ave., corner Camden Street, reads:

With regard to the discrimination of colored bus travelers, I am very glad to

say that it was NOT on the Silver Dart bus, of which I am the only colored agent in Boston. I absolutely agree with Mrs. Boykin and the stand that she has taken, and wish that every one else would do the same when it becomes necessary.

It was definitely understood by both Mr. Leeper, the general manager of the Silver Dart Bus Lines, Inc., and myself that there would be no discrimination whatsoever and it was on the strength of this agreement that I accepted the

agency. The comfort of every one who obtains a ticket from me is my reward, therefore it is very important to me to see that every passenger is completely satisfied.

May I at this opportunity remind bus travelers that it is not always possible to obtain a seat in the front of the bus at the last hour or day. May I offer this suggestion in all fairness to both passengers and the Bus Company: Make your reservations as early as possible, and see that you get the seat that you have reserved for yourself.

Many former bus patrons have ceased traveling by bus because of the difficulty in getting desired seats. Even though the train fare is high they prefer to travel by train in order to avoid bus humiliation.

Files \$50,000 Suit Against Boat Company

Member Of Jurors Asso-
ciation Refused Ad-
mittance

DETROIT—Suit for \$50,000 dam-
ages has been entered by John Lewis,
civic association member, against the
Bob-Lo Excursion Company for refus-
ing him passage on a night boat-
ride sponsored by his organization.

Lewis said he was "insulted, humili-
ated, and embarrassed" last week
when he was told by an employee of
the company that he could not board
a boat chartered for the annual ride
of the Wayne County Jurors' Associa-
tion, of which Lewis is a member.

In a bill of complaint he said he
had been singled out from a large
group and told by the ticket-taker that
he could not go along. The ticket-
taker's action, Lewis said, was moti-
vated by racial prejudice.

MISSISSIPPI OUT TO GET 'JIM-CROW' BUSSES

Jim Crow Partitions Asked For Busses In Mississippi

JACKSON, Miss., March 28—If a bill introduced in the Mississippi Legislature, Monday, by Representative John Lee of Carroll county, becomes a law, the State race segregation or so-called "jim-crow" law, now effective on railway passenger trains, would be made to apply also to all motor busses operated in the State.

The bill would require that every bus operated in Mississippi must provide "equal but separate" accommodations for "the white and colored races" by dividing the bus by the installation of a "partition" to secure "separate accommodations." For its enforcement, the bill supplies "teeth" in the form of a proviso that transportation is to be denied, without the right of appeal to the courts, any passenger who refuses to occupy the section of the bus to which they are assigned.

The seating of Negro passengers in seats in the rear of busses and extending from the rear forward, is the rule now being observed by all Mississippi motor bus lines.

PASSENGERS TO BE SEPARATED BY PARTITIONS

Defender 3-30-40
If Bill Passes Firms Will Have To Provide Special Vehicles

Chicago, Ill.
JACKSON, Miss., March 28—(By Leon Lewis for ANP)—An extreme "Jim Crow" provision effecting passenger busses operating in the state of Mississippi was introduced in the House of Representatives last week, by John Lee Seale of Carroll

JACKSON, Miss.—(ANP)

A measure proposing that every bus carrying passengers in Mississippi provide equal, but separate accommodations for the races by dividing the bus by a partition was introduced into the House of Representatives by John L. Seale, of Carroll, last week.

The operator of the bus would be required, as railroad conductors already are, to assign passengers to respective compartments, and provision is made that passengers refusing to occupy the compartment assigned them can be denied transportation without recourse of law.

SEATED FROM REAR

Under present practice, bus companies seat Negroes from the rear of each bus, but in some instances they have had to wait for the next bus or stand because whites have taken all seats.

The bill, though so termed as to enforce strict adherence to southern jim crow, will benefit Negro passengers. Instead of Negroes having to stand or wait for next bus, the jim crow compartment cannot be occupied by others, always assuring them of seats regardless of the number of whites on the bus.

Bus company officials eye the bill with a hope of defeat because of the added expenditure in installation of partitions.

Another problem of the required partition was expressed by bus officials, in that these special busses could be used only in jim crow states, meaning that two types of busses would, in the future, have to be constructed, one for the Southern jim crow section and another for democratic sections of the country.

The new measure, following almost directly the wording of section 1132 of the code of 1930, which sets out that railroads must provide separate cars or compartments for Race and white passengers, would force every bus carrying passengers in this state to provide equal, but separate accommodations for both races by dividing such passenger busses by a partition to secure separate accommodations.

The operator of the bus would be required, as railroad conductors already are, to assign passengers to respective compartments, and provision is made that passengers refusing to occupy the compartment assigned them can be denied transportation without recourse to law.

Under present practice, bus companies seat Race members from the rear of each bus, but in some instances Race passengers have had to wait for the next bus or stand because whites have taken all seats.

The bill, though so termed as to enforce strict adherence to southern jim crow, will benefit Race passengers. Instead of Race members having to stand or wait for next bus, the special jim crow compartment cannot be occupied by any but members of the race, always assuring them of seats regardless of the number of whites on the bus.

Bus company officials eye the bill with a hope of defeat because of the added expenditure in installation of partitions.

Another problem of the required partition was expressed by bus officials, in that these special busses could be used only in jim crow states, meaning that two types of busses would, in the future, have to be constructed, one for the southern jim crow section and another for absolute Democratic sections of the country.

Says B. & O. Limited Is Jim-Crow Train

ST. LOUIS — The Baltimore and Ohio's stream-lined diesel engine National Limited Train from here to New York is jim crow according to William E. Taylor, dean of Lincoln University.

Dr. Taylor said trainmen put all colored passengers in one coach farthest from the club car.

Jim Crow Coach On B.-O. Train

ST. LOUIS, Mo., (ANP) — Open and rank discrimination is being displayed here by the Baltimore and Ohio railroad in connection with their new crack streamliner, National Limited, operating between St. Louis and New York, it was reliably reported this week.

When the new train, which has seats numbered and requires in advance reservation in coaches, left for its run on July 3, Negroes were sent to one particular car regardless of the numbers on their tickets, and were given the most undesirable seats in the coach, it was stated by witnesses.

Railroad Denies Jim-Crow

Says Investigation From Any Group Is Welcome

ST. LOUIS (Special) — Charges of discrimination on the Baltimore and Ohio's crack line, the National Limited, were unqualifiedly denied this week by the passenger traffic department of the railroad in a statement to The St. Louis Call.

B. and O.'s denial was prompted by a letter which was published in the July 12 issue of The Call and written by Dean William E. Taylor of the Lincoln university law school who said that he had found jim-crow conditions on the train.

The railroad said that it welcomed an investigation from "anybody or any group" to learn the truth of the conditions which exist on the run from St. Louis to New York.

Reports Jim Crow

Dean Taylor, in his letter, said that on July 3, he found "open and rank discrimination against colored people. Although there were three coaches on this train," the dean's letter continues, "the trainman was seating all colored people in one coach regardless which coach their tickets called for. As whites would come, they were ushered into the coach adjoining the club car without looking at their tickets. As the colored people entered, they were directed to the coach farthest from the club car without inspecting their tickets. The colored people were also given the most undesirable seats in the coach, that is, the seats nearest the ends of the car. One colored lady was given a seat next to the men's toilet."

Complete Statement

The complete statement of the Baltimore and Ohio railroad follows:

"Recent news releases in Negro papers have charged that Jim Crow seating arrangements have been employed on the new crack NATIONAL LIMITED, pride of the Baltimore and Ohio Railroad System between St. Louis and New York city.

"The Baltimore and Ohio denies such conditions exist and it wel-

comes an investigation from anybody or any group to ascertain the truthfulness of these charges.

"It is and has been the policy of the Baltimore and Ohio Railroad to treat all of its passengers with courtesy and consideration. Reservations in the new coaches are made in the order received or at the request of the passenger, as the case might be. No employee has any right or any instructions on the run from St. Louis to New York city to endeavor to segregate any passenger on account of race or color or to see that all colored patrons are put in the same coach and in the less desirable seats. This applies to ticket agents as well as conductors.

"The Baltimore and Ohio Railroad is always willing to serve the public and to receive helpful suggestions that will enable it to better serve its many patrons."

Two New Yorkers Ready For Appeal Of Conviction In Greyhound Case

Pauli Murray and Adelene McBean Fined Five Dollars in Dispute Over Seat on Bus.

By **TED POSTON**
(Staff Correspondent)

DURHAM, N. C., April 11.—Determined to fight their case through to the United States Supreme Court, if necessary, Misses Pauli Murray and Adelene McBean of New York City prepared to leave here next week for Petersburg, Va. to appeal their conviction on charges of disorderly conduct growing out of the discriminatory policies of the Greyhound Bus Lines, Inc.

MISS McBEAN TAKEN FROM BUS IN DEAD FIGHT

Miss Murray, secretary of National Sharecroppers' Week, and Miss McBean, an adult education teacher, were taken from a bus in Petersburg (the latter in a dead faint), Easter Saturday, following a dispute with the driver over the occupation of a seat in the fourth row from the rear.

Lodged in the city prison there, after Miss McBean had been taken to the Petersburg hospital in a patrol wagon and treated for hysteria and shock, the young women were held in jail until Tuesday morning when the local N.A.A.C.P. represented them in court. Found guilty of disorderly conduct, they were fined \$5 and costs.

The N.A.A.C.P., through H. E. Fauntleroy, Petersburg branch president, and Valentine and Cooley, counsel, immediately appealed the case. The appeal will be heard in Hudson court here next Thursday, April 18.

FOUND SEAT BROKEN; MOVED TO ANOTHER

The young women were en route to Durham for Easter when the incident occurred. Riding over a rear wheel, after being assigned to an old-style relief bus in Richmond, Miss McBean became ill. Frank W. Morris, the white driver rudely shoved Miss Murray backwards when she approached him with the suggestion that her friend

At Petersburg, however, when the whites moved forward, the couple moved to the third row. Finding that seat broken, they occupied the fourth row, still behind the white passengers. When they refused to move back at Morris' gruff order, the driver left the bus and returned with two Petersburg officers.

The officers were reluctant to make the arrests and pointed out to Morris that they could not do so without a warrant. After consulting with his superiors in Raleigh, N.C., by telephone, the driver swore out separate warrants for each.

WANTED ALL TO GET WITNESS CARDS—JUGGED!

The police, still evading an arrest, suggested that Morris fix the broken seat in the third row. When this was done, the young women moved back to it and the officers left the bus. Morris retained the warrants for "future use" however and proceeded to distribute witness cards to all the white passengers.

When Miss Murray insisted that the eight Negro passengers be given witness cards also, Morris again summoned the officers and demanded the arrests. Miss Murray walked from the bus, but Miss McBean, already ill, fainted.

Undaunted by their three-day sojourn in the filthy Petersburg jail, the young women announced this week that they were determined, with N.A.A.C.P. support, to carry the case to the country's highest

tribunal.

"Our first farcial hearing has already proved that the state of Virginia's segregation law does not provide that Negroes must fill up buses from the rear," Miss Murray pointed out, "Attorney Cooley placed this fact on record after maneuvering the Greyhound lawyers into amending the complaint to include violation of the segregation laws."

"We also hope to use our case to show that the Greyhound Lines violate the law by not providing equal accommodations for Negroes. We were both ill when this incident occurred, and surely we were not looking for a fight. But now that they have asked for one, we intend to give it to them."

Raleigh, N. C. News & Observer
April 24, 1940
For A Nickel

Two Negroes on a bus in Raleigh were seated on the seat next to the rear seat which was fully occupied. The operator ordered them to move back to make room for white passengers and when they declined ordered them to City Court. There the Judge very properly acquitted them. The law providing for separation of passengers by races in public conveyances is not a law providing that white people shall have all the seats and the Negroes none when there are not enough for both. The Negroes are as entitled to the seats in their part of the bus as white people are to the seats in theirs. Both pay a nickel and each is entitled to equal accommodation.

Separation of the races is one thing. Discrimination between the races is another. Those who favor the separation should be the first to oppose the discrimination. A Negro's nickel should give him as much as a white man's. If it does not, what happens is not the separation of two races but the cheating of one.

ROSE McCLENDON GROUP WILL PUT SPOTLIGHT ON SOUTHERN JIM-CROW LAW

Experience of Marjorie Strickland Greene Who Defied Practice, to Be Theme of Drama.

By **ISADORA SMITH**

NEW YORK, Aug. 28.—The age-old practice of all trains traveling the Southern routes of setting up unclean and poorly ventilated jim crow cars for Negroes, will be spotlighted here next month by the Rose McClendon Players who have woven a production method was used to separate the around the experience of charming colored lady from the whites, but Marjorie Strickland Greene, who budged she did not, and the train defied that law in North Carolina officials, failing to get her a seat last week and won a moral victory in the over-crowded car for Negroes, were forced to let her ride into Washington, flaunting her rights as an American citizen in the face of an age-old law which separates whites and colored people below the Mason-Dixon Line.

In an interview with Mrs. Greene at her home here, this department learned that Dick Campbell, director of the McClendon Players, had already outlined her story to J. Homer Tutt, who, it is said, will write a story around her experience which will be put into production. A former member of the McClendon Players, Mrs. Greene will play the star role.

The real life part of the pending drama started last week in High Point, N.C., where Mrs. Greene boarding a train en route to New York, where her husband was seriously ill, was ushered into the usual car for Negroes. Crowded to the last seat with many colored passengers standing, she was added to the list of standees. Searching the next car, she found many vacant seats and, with her father and a friend, Mrs. Eula Armstrong, also of this city, she took a seat only to be told by the conductor that the car in which she was now riding was for whites only. Notwithstanding, the heroine refused to budge unless the conductor found her a seat in the colored car. Reaching Greensboro, the argument became hotter, the railroad police were called, and every

Forced To Stand In Bus, Sues Greyhound Lines

**Race Passenger Forced to Give Up Seat While Travel-
ing In N. C.—Also Refused Baggage—
Sues For \$1,500.**

WINSTON-SALEM, N. C., Sept. 5—For alleged mistreatment while traveling in one of the company's buses, Roy B. Foster, of this city, has filed a \$1,500 suit for damages in Forsyth Superior court against the Atlantic Greyhound corporation.

In his complaint Foster alleged that he had to stand all that traveling from Winstboro, S. C., to Winston-Salem, he had to change buses at Charlotte, where he observed the back seat of the vehicle filled with passengers. He is said to have taken a seat which was near other passengers. At this point, he alleged, although there were other seats in the front of the bus, the driver ordered him to "get up" and give these passengers seats.

He complied with the driver's request and evidently tried to have his ticket returned without success. Nothing daunted, Foster waited half an hour and attempted to board another bus, explaining the difficulties he had encountered. The company employees are reported to have demanded his ticket before letting him on the bus.

He finally was allowed to enter, but said that he had to stand all the way from Charlotte to Winston-Salem. To climax the situation, Foster further charged that the baggage he checked in Winstboro, valued at \$95, was not returned to him when he presented his baggage check. He said he was told to "do what he chose about it." The case has created considerable interest in this part of the South where Negroes have, from time to time, sought various means of stopping discrimination practiced by transportation companies. Foster is being represented by Attorney F. W. Williams, who is credited with success in a suit filed several months ago by a colored woman who was slapped by a white man in Statesville.

APOLOGY OFFERED BY P.R.R. OFFICIAL

Ticket Agent Informed New Jersey Matron There Was 'Special Coach for You People' on Crack Train.

NOV 2 1940

LIMA, O., Oct. 31. (ANP)

—An attempt on the part of a minor employe of the Pennsylvania railroad to carry out a jim crow practice in New Jersey brought a letter of apology to Mrs. A. A. Dalton, against whom the attempt was made.

On a return trip from New York City, Mrs. Dalton went to the Newark Station ticket office and asked for reservations on the Trail Blazer. She reports:

"The ticket agent phoned and after some small talk with the person on the other end of the line, asked for a reservation for a 'colored lady.' I asked why it was necessary to say 'for a colored lady,' and he snapped out this remark, 'Because we have a special coach for you people, that's why.' I told him that the Pennsylvania had no right to jim crow people and I refused the reservation."

Mrs. Dalton then reported the incident to the passenger traffic manager of the railroad company, who replied in part:

"Please be assured that it is not the policy of the Pennsylvania railroad to discriminate against anyone because of his color or creed. If the ticket clerk at Newark said anything that indicated otherwise, it was strictly his personal view and is certainly not endorsed by the management of this company."

"It is my intention to have this matter thoroughly investigated with the employes at Newark station to determine the name of the ticket seller involved and you may be assured that corrective action will be taken."

"I know you realize that with such a large organization as ours there are bound to be times when

unpleasant occurrences will take place and your interest in writing to me has given us an opportunity to correct an undesirable condition in our service."

GETS APOLOGY FROM RAILWAY

NOV 2 1940
**Penn System Sends
Letter of Regret
For Discrimination**

LIMA, Ohio — Mrs. Letteria May Dalton, Cincinnati school teacher, a nationally known AKA and the wife of Dr. A. A. Dalton, practicing physician of this city, received a letter of apology from the Pennsylvania Railroad Co., last week, for being discriminated against in Newark, N. J.

According to a letter sent the company by Mrs. Dalton, she accused the ticket agent in the waiting room of calling the main

office and asking for reservation for "a colored lady." Protesting to him the fact that the company does not discriminate and she resented special accommodation on account of her color, the agent replied, "We have a special coach for your people."

To Investigate

C. H. Matthews, Jr., passenger traffic manager of the company, writing from his Philadelphia office in part said, "Please be assured that it is not the policy of the Pennsylvania Railroad to discriminate against anyone regardless of their color or creed."

"If the ticket clerk at Newark said anything that indicated otherwise it was strictly his personal view and is certainly not endorsed by the management of this company."

"It is my intention to have this matter thoroughly investigated with the employes at Newark station to determine the name of the ticket seller involved and you may be assured that corrective action will be

Women on Santa Fe Streamliner Must Share Washroom with Men

OKLAHOMA CITY.—(ANP)—Negro women riding the Santa Fe streamliner between Kansas City and Oklahoma City must share washroom facilities with both colored and white men while the train is in Oklahoma, reports William Pickens. And, according to the reply received by Pickens from the Interstate Commerce Commission after he complained to them about the situation, the commission is not going to do anything about it. *The Call 3-28-40*

Dean Pickens, branch director of the N. A. A. C. P., was a passenger on the train March 1, enroute to Oklahoma City to address a forum at the University of Oklahoma. Observing the unsatisfactory conditions regarding sanitation for colored passengers especially women, he addressed letters of complaint to the Santa Fe railroad president, to the president of the United States, and to the chairman of the Interstate Commerce Commission. *Kansas City, Mo.*

The commission reply emphasized the fact that cases charging discrimination usually were disposed of without a formal hearing. Formal complaints they suggested, enclosing reports of several as proof, usually met similar fates—"evidence insufficient, complaint dismissed."

The case report of Congressman Arthur W. Mitchell, and Richard E. Westbrook, prominent Chicago attorney, against the Chicago, Rock Island and Pacific Railway company was among those cited.

Santa Fe Road Accused Of Discrimination

William Pickens
Makes Report To
I. C. Commission

Journal & Guide
OKLAHOMA CITY (ANP)—Colored women riding the Santa Fe streamliner between Kansas City and Oklahoma City must share wash room facilities with both colored and white men in Oklahoma despite state laws requiring separate accommodations, according to a report sent the Interstate Commerce Com-

mission by William Pickens, last week. *Norfolk, Va.*

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OLD CASES CITED

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Nashville Girl Is Victor In Jim-Crow Case

NASHVILLE—(ANP)—A "new" interpretation of the notorious Jim Crow law was proclaimed by Judge J. Guild Smith of the Davidson County Criminal Court this week when he threw out a case where a young Negro girl had been arrested for violation of the said law.

The girl was charged with sitting in front of white patrons on a bus and refusing to relinquish her seat. Facts in the case, however, were brought out to the effect that the girl on entering the bus had taken a seat three seats from the rear, and when a group of whites who for some reason would not fill in the vacant seats from the front and asked her to move back she refused. After her refusal to move the whites took the seats to her rear and later the girl was arrested.

Judge Smith ruled the whites as much or more so out of order as the Negro girl and threw the case out. He stated thus: "The Jim Crow law restricts the whites as well as the blacks and protects both."

SHE SAT TOO NEAR FRONT; ARRESTED, RELEASED

KNOXVILLE, Tenn., May 2. (ANP)—Arrested and taken to jail because she sat "too near the front" on a Lonsdale bus, Mrs. Ruth Hamilton, appearing in court this week to answer these charges was spared further humiliation when Judge Bob Williams, Municipal court justice, threw the case out of court because of "ridiculousness" of the charges.

In dismissing the case, Judge Williams said to the complainants: "If you desire to prosecute this woman on any such charge then take it to a state court." Attempting to explain their action later, bus officials declared that the bus driver, causing the action, was new.

Mrs. Hamilton, a teacher in the Maynard nursery school here, rode the bus daily to and from her work, she said. For two morning prior to her arrest the bus driver threatened to have her arrested for sitting so near the front "in seats for whites," and on the third morning when she sat on the seat next to the rear one, two policemen boarded the bus, used abusive language and placed her under arrest. Though she was not locked up, she was held until her uncle came and made bond, she reports.

MAN BEATS UP WOMAN ON BUS

New York Amsterdam News
**Victim Is Expectant
Mother; Plans Suit
Against Bus Firm**

CHATTANOOGA, Tenn., Aug. (ANP).—Mrs. David L. Dorris, a young expectant mother, was severely beaten here Friday by a white man who objected to her standing in the colored section of an Eastdale bus.

Boarding the bus on her way to work, Mrs. Dorris says she walked to the back or colored section of the bus and stood because there were no seats. An unknown white man walked up behind her, she reports, asked her to move, and struck her several blows when she said there was no place to move.

Two other colored passengers sitting in this section were afraid to aid her, Mrs. Dorris said. When she was ready to get off the bus the motorman spoke to her with profanity, she continued.

Too bloody and bruised to go to her job, Mrs. Dorris says she went to a doctor's office. David L. Dorris, the young woman's

husband, has started a suit against the Tennessee Electric Power Company, operators of the bus, according to reports.

Nashville, Tenn. *Tennessean*

October 27, 1940

NEGRO INDICTED

ON JIM CROW LAW

Davidson Grand Jury Returns
53 True Bills; 11 Are
Released

One of the first Jim Crow law violation indictments to be returned in the county in several years was returned Friday against Helen L. Campbell, 29, Negro, of 1215 Fourteenth Avenue, South.

The indictment alleges that on October 10, when a crowded trolley, operated by Motorman A. H. Travis, pulled out of the transfer station, the woman refused to move back into the Negro section of the car.

Travis, according to the indictment, summoned Patrolman R. L. Norris, who arrested the woman on a charge of violating the Jim Crow law.

OFFERED TO STOP

Patrolman Norris, the indictment reads, said Travis had offered to stop the street car and allow the woman to leave from the front of the car and get on again from the rear, but that she refused.

She was bound over to the Grand Jury on October 11 from City Court.

The Grand Jury returned a total of 11 no true bills and 53 true bills.

The no true bills consisted of driving while drunk (3), violating Section 2681 of the Code of Tennessee, public drunk (2), bone dry, violating Code 10784, larceny and receiving (2), and assault and battery.

53 TRUE BILLS

True bills consisted of forgery, violating Jim Crow law, driving while drunk, public drunk (2), malicious mischief, vagrancy, lottery (2), failure to stop after an accident (2), driving without a license, highway robbery and accessory, failure to provide, carrying weapons (3), assault and battery, false pretense, assault with intent to commit murder (6), assault and battery, housebreaking and intent to ravish (2), housebreaking with intent to commit a felony (2), housebreaking and larceny, felonious transportation and bone dry violation, bone dry vio-

lation (9), tippling (2), operating a still, and larceny and receiving (10).

Beat J.C. Law Charge, 2 Fined for Disturbance

PETERSBURG, Va. — Misses Pauli Murray and Adelene McBean of New York, who were charged with violating the jim crow law and creating a disturbance on an Atlantic City-bound bus here March 23, were acquitted on the former and convicted on the disturbance charge by Judge R. T. Wilson in the Hustings Court, Monday, and fined \$10 and costs.

The case had been appealed from the decision of Police Court Justice Edwin F. Clemments, who had fined them \$5 and costs.

Arrest of the two young women, en route from New York to Durham, N.C., followed their protest against riding over a wheel in a relief bus, because Miss McBean was ill, or in a broken seat to which the white driver assigned them.

Didn't Even Know Law

The driver, F. W. Morris, said that he had finished a company school for employees, but was not acquainted with the jim crow law other than understanding that it required colored people to sit behind white people.

The defendants were represented by Raymond J. Valentine and Robert H. Cooley, Jr., of Petersburg, and Oliver W. Hill and Thomas H. Stone of Richmond, the latter white.

First Acquittal on Record

This is said to be the first time in the history of Petersburg that one charged with violating the jim crow law was not convicted.

Counsel made a motion that the verdict be set aside. Judge Wilson withheld judgement until May 10.

The defendants had waived a jury trial and were tried by the judge.